THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

Writ Petition No.24109 of 2000

ORDER:

1 The case of the petitioners is that property belonging to them was taken over by the 2nd respondent-Municipality for road widening purpose and that they are not paid adequate compensation for the same and so they filed writ petitions 2252 of 1977 and 3535 of 1977 along with others questioning the action of the authorities in demolishing the structures and taking possession of their properties and that this court had by judgments dated 21.2.1978 and 24.2.1978 allowed those writ petitions with certain observations and writ appeals filed by the respondents were disposed of by a division bench through the order dated 25.6.1984 giving certain directions and guidelines to the respondents, and as the respondents did not follow those directions they are seeking a direction to the respondents to pay adequate compensation to them by determining the loss caused to them.

2 Second respondent filed his counter affidavit on behalf of the respondents alleging that the records available show that the petitioners were paid compensation for the properties taken over from them and as the direction given by the court was to find out if the road widening was beyond 40 feet, and as the road was widened to an extent of 40 feet only during 1977 and as the width of the road even today also is 40 feet, petitioners are not entitled to any relief. The averment that no action was taken as per the direction given by the division bench is not correct because the Municipality convened a meeting with the owners of the properties effected due to widening of the main road and explained the rule position to them and as the petitioners did not take any action for several decades they are not entitled to any relief.

3 The contention of the learned counsel for the petitioners is that since the second respondent did not follow the directions issued by the division bench in its judgment dated 25.6.1984, the respondents may

be directed to follow the directions given by the division bench and grant adequate compensation to the petitioners. The contention of Sri A.Vishnu Vardhan Reddy, learned standing counsel for the second respondent – Municipality, is that the petitioners who did not make any claim from 1984, after the disposal of the writ appeals cannot be granted any relief at this stage on the basis of the writ petition filed by them in 2000 in respect of an acquisition that took place in 1977.

4 The property of the petitioners was acquired in 1977. They were paid some compensation. They filed writ petition, which was disposed of by giving certain directions. Against that order respondents filed writ appeals. In those appeals the division bench gave some direction to the respondents. If the respondents failed to comply with the directions issued to them in the earlier writ petitions, the remedy of the petitioners is to seek implementation of the said orders, but they cannot by filing a separate writ petition, seek enforcement of the said orders. The above apart, the long delay of more than 16 years is not properly explained by the petitioners.

5 In the above circumstances, petitioners are not entitled to any relief in this writ petition. Hence the writ petition is dismissed. No costs.

Justice C.Y.Somayajulu

11-10-2007

kvsn